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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,717	03/09/2001	Seiji Kobayashi	2001_0277A	5096

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WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON, DC 20006-1021

EXAMINER

AKERS, GEOFFREY R

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 04/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801717

Applicant(s)

Roboyshi

Examiner

Alors, g

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2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/9/01
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election require.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-3 have been examined.

Claim Rejections - 35 USC § 103

2. Claims 1-3 are rejected under 35 USC 103(a) as unpatentable over Foley(US Pat. No: 5,958,692) in view of Canquihem(US Pat.No: 3,628,904).

3. As per claim 1 Foley teaches a valuation program(Abstract) for permitting a computer to function as a means for setting a valuatee group to be valued as a subject of valuation(Fig 2/1)(col 4 lines 22-54). Foley teaches the valuator group including the reference data valuator as initial valuation data and a means for adjusting the initial valuation data by the valuator in the valuator group other than the reference data valuator(col 3 line 26-30)(lfig 2/2/3/4). Foley teaches the Z Complement(col 4 lines 36-37) measured in terms of standard deviations(col 4 lines 50-51). Foley teaches where the reference data valuator as reference in one distribution such that the mean data of adjusted valuation(col 5 line 6) is identical with the mean data by the reference data valuator(col 4 line 60) and the reference deviation is identical with the standard deviation of the reference deviation of the valuation data by the reference data valuator(Table 3) the Z-complement is 0(col 5 line 20). Foley also teaches a means for summing up the valuation data of the individual valuates in the whole valuate group on the basis of the adjusted valuation data(Table 4/line 58).In addition to that taught by Foley, Canquihem also teaches a valuator group for doing valuation corresponding to the valuator group and a valuation item group as items of valuation(col 2 lines 40-59) and a means for setting one or more reference valuator as

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reference data valuator in the valuator group(col 2 lines 43-44)(col 2 lines 60-66) and a means for inputting valuation data of the valuates(col 25 line 10)(col 29 line 10).

Canguilhem teaches comparison with the mean data and the standard deviation of the valuation data(Fig 1). It would have been obvious to one skilled in the art at the time of the invention to combine Foley in view of Canguilhem and to apply it to personnel as data points. The motivation to combine is to teach a valuation program for personnel utilizing a method where a multidimensional concept may be expressed as a single numerical value as enunciated by Canguilhem (col 1 lines 7-11).

2. As per claim 2 Foley teaches a valuation program according to claim 1 as recited.

Foley fails to teach wherein a means for setting valuator's weight data for weighting the valuation data in dependence on posts of valuator in the valuator group of being able to do appropriate valuation is provided in a personnel computer. Canguilhem teaches weights(Fig 3)(Fig 5). It would have been obvious to one skilled in the art at the time of the invention to combine Foley in view of Canguilhem and to apply it to personnel as data points. The motivation to combine is to teach a valuation program for personnel utilizing a method where a multidimensional concept may be expressed as a single numerical value as enunciated by Canguilhem (col 1 lines 7-11).

3. As per claim 3 Foley teaches a valuation program wherein the reference data valuator is selected for obtaining appropriate valuation data(Fig 2/1)(col 4 lines 22-24), and the reference data setting by the reference data valuator is done with respect to the valuation data of all the valuates group about all the valuation items(col 4 lines 24-35). It would have been obvious to one skilled in the art at the time of the invention

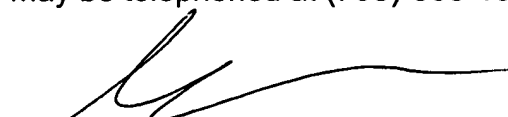
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to combine Foley in view of Canguilhem and to apply it to personnel as data points. The motivation to combine is to teach a valuation program for personnel utilizing a method where a multidimensional concept may be expressed as a single numerical value as enunciated by Canguilhem (col 1 lines 7-11).

Conclusion

4. THIS ACTION IS MADE NON-FINAL.

5. Any questions concerning this communication should be addressed to the examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.


April 3, 2004

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER